

United States Courts
Southern District of Texas
FILED

JUN 29 2011

United States District Court
Southern District of Texas
Houston Division

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United States

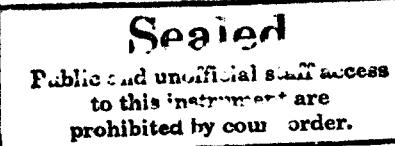
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Crim. No.

v.
Ronald Witt and
Anita Witt

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Indictment



The Grand Jury Charges that:

UN-SEALED PER Order of
The Court

Count One: Conspiracy

Introduction

At all times material to this indictment:

1. The International Union of Operating Engineers Local 450 (Local 450) was a Labor Organization as defined by the Labor Management Reporting and Disclosure Act.
2. Local 450 represented approximately 1000 members employed in the crane rigging and hoisting industry in southern and eastern Texas.
3. Local 450 received most of its income via monthly dues payments and three percent working dues from its members.
4. Local 450's primary officer was known as its business manager.
5. Local 450's Joint Apprenticeship Training Committee (the JATC) was a Welfare Benefit Plan subject to Title I of the Employee Retirement Income Security Act.

6. The JATC was a jointly-run benefit plan run by a fulltime coordinator. Its primary goal is to train new members to perform their jobs within the industry. The JATC is funded through assessments from the members and employers.

Members of the conspiracy

7. Ronald Witt was Local 450's business manager and a JATC Trustee.

8. Anita Witt was Local 450's financial secretary and the JATC's coordinator.

The conspiracy and its objects

9. From in or about May 2007 until in or about April 2009, in the Houston Division of the Southern District of Texas, and elsewhere, the defendants,

RONALD WITT

and

ANITA WITT,

did knowingly combine, confederate, conspire and agree with each other and with other persons both known and unknown to the Grand Jury to embezzle, steal and unlawfully and willfully abstract and convert to their own use and the use of another the moneys, funds, securities, property, and other assets of Local 450 and the JATC in violation of Title 29, United States Code, Section 501(c) and Title 18, United States Code, Section 664.

The manner and means of the conspiracy

10. It was part of the conspiracy that RONALD WITT and ANITA WITT would and did use Local 450's funds for unauthorized charges, including luxury

trips for themselves and their friends, purchases at hardware stores, personal meal expenses, rebuilding their Galveston home, and converting funds given to ANITA WITT's brother.

11. It was further part of the conspiracy that RONALD WITT and ANITA WITT would and did use the JATC's funds for unauthorized charges, including luxury trips, recreational travel trailers, landscaping, and rebuilding their Galveston home.

12. It was further part of the conspiracy that the defendants would and did forge and cause to be forged business records to cover up these unauthorized charges.

Overt acts

13. In furtherance of the conspiracy and to effect the objects thereof, the defendants performed and caused to be performed, among others, the overt acts set forth in Counts Two – Eighteen of this Indictment, hereby re-alleged and incorporated as if fully set forth in this Count of the Indictment. All in violation of Title 18, United States Code, Section 371.

Counts Two – Nine: Embezzlement of Union Funds

14. From in or about May 2007 to in or about February 2009, in the Houston Division of the Southern District of Texas and elsewhere, the Defendants,

RONALD WITT

and

ANITA WITT,

while employed, directly and indirectly, by Local 450 of the International Union of Operating Engineers, a labor organization engaged in an industry affecting commerce, did embezzle, steal and unlawfully and willfully abstract and convert to their own use and the use of another the moneys, funds, securities, property, and other assets of said labor organization in the following approximate amounts:

Count No.	Date	Method of Payment	Amount
X2	May – July 2007	Union American Express	\$19,437.24
X3	December 27, 2007	Check No. 1559	\$1,246.08
X4	March 3, 2008	Union American Express	\$4,217.33
X5	June – July 2008	Union American Express	\$37,008.75
X6	October 2, 2008	Union American Express	\$1,999.00
X7	November 26, 2008	Check No. 2551	\$3,100.00
X8	April 8, 2009	Check No. 2940	\$2,240.00
X9	Dec. – Feb. 2009	Union American Express	\$13,332.96
X10	February 3, 2009	Check No. 2774	\$6,700.00

In violation of Title 29, United States Code, Section 501(c) and 18, United States Code, Section 2.

Counts Ten - Fourteen: Embezzlement of Welfare Benefit Plan Funds

15. From in or about October 2008 to in or about January 2009, in the Houston Division of the Southern District of Texas and elsewhere, the Defendants, Ronald Witt and Anita Witt, while a person employed, directly and indirectly, by

Local 450 of the International Union of Operating Engineers' Joint Apprenticeship Training Council, an Employee Welfare Benefit Plan, subject to Title I of ERISA, did embezzle, steal and unlawfully and willfully abstract and convert to their own use and the use of another the moneys, funds, securities, property, and other assets of said Employee Welfare Benefit Plan and of a fund connected with such plan in the following approximate amounts:

Count No.	Date	Method of Payment	Amount
1811	October 1, 2008	Wire Transfer	\$34,037.00
1812	October 6, 2008	Wire Transfer	\$23,575.00
1813	January 12, 2009	Check No. 2449	\$1,350.00
1814	January 12, 2009	Check No. 2450	\$1,350.00
1815	January 12, 2009	Check No. 2451	\$680.00

In violation of Title 18, United States Code, Section 664 and 2.

ORIGINAL SIGNATURE ON FILE

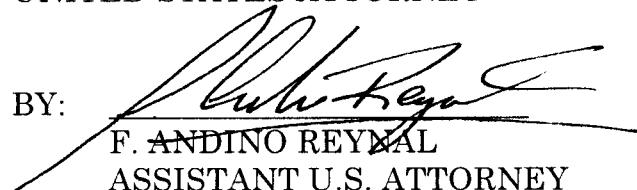
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ORIGINAL SIGNATURE ON FILE

FOREPERSON OF THE GRAND JURY

JOSE ANGEL MORENO
UNITED STATES ATTORNEY

BY:


F. ANDINO REYNAL
ASSISTANT U.S. ATTORNEY